

REMARKS

Claims 1-8 are in the present application. The amendments have been made for reasons of clarity and not to define over the art of record, as features in claim 1 already define over the art of record. Reconsideration in view of the following remarks is kindly requested.

If the Examiner is not persuaded by the remarks below, he is kindly requested to contact Matthew J. Lattig at (703) 668-8026 for the purposes of arranging a personal interview, in an effort to eliminate outstanding issues and/or misunderstanding of the claimed invention, so as to expedite prosecution.

Claim Rejections -- 35 U.S.C. § 103

A. Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunchara et al. (U.S. Patent No. 6,307,844) in view of Ali et al., (U.S. Patent No. 5,896,411). This rejection is respectfully traversed.

Claim 1 recites:

1. A method for communicating power control information for at least two communication channels, comprising the steps of:
transmitting power control information for a first forward channel during a portion of a first segment of a pilot channel, the first segment being one of a plurality of repeating segments; and
transmitting power control information for a **second forward channel** during a corresponding **portion of a second segment of the pilot channel, the second segment being one of the plurality of repeating segments,**
the power control information for the first forward channel being different then the power control information for the second forward channel.

Referring to Tsunchara et al., the only mention of a pilot channel is with respect to Fig. 2, which simply indicates that there is some pilot channel 8 of undetermined dimensions, and in the discussion on column 6, lines 17-33, where a pilot channel is output from an acquisition/spread circuit 150. Nowhere is there disclosed transmitting power control information for a first forward channel within a portion of a first segment of the pilot channel, as recited in claim 1.

The Examiner is directed to the passage supporting Fig. 7 in Tsunchara et al., upon which he relies. As described in column 5, lines 40-47, what is actually shown in Fig. 7 is the insertion of a common transmission power control signal into (or in between) answer packets 110. The Examiner alleges that the pilot control channel is taught ("e.g., block 110a in Fig. 7, answer packets in Fig.

9"). However, block 110a and the answer packets do not, in any respect, represent a pilot channel, much less a "first segment of a pilot channel" and a "second segment of a pilot channel".

⑨ Moreover, portions 111 in Fig. 7 (i.e., the transmission power control signal 111a) does not represent a portion of a first segment of a pilot channel, as is recited in claim 1. Accordingly, for this reason alone, the claims are submitted to be allowable, as Ali et al., cited only for an alleged teaching of "power control information for the first forward channel being different then the power control information for the second forward channel", does not make up for the deficiencies, described above, that are evident in Tsunchara et al. For at least these reasons, Applicants submit that independent claim 1, and claims 2-4 dependent thereon, define over Tsunchara et al.

Various features in other dependent claims make the distinctions over the combination of references even more apparent. The exemplary embodiments of the present invention considers priority of the different channels when transmitting power control information. For example, a channel with higher priority has more power control transmissions than a lower priority channel, as recited in claim 4. This is not even remotely suggested in Tsunchara et al., yet the Examiner makes an "inherency" argument in a 103 rejection to suggest that such is inherent. This is clearly improper and against the vast body of case law. Accordingly, claim 4 is allowable for these additional reasons.

B. Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunchara et al. (U.S. Patent No. 6,307,844) in view of Ghosh, (U.S. Patent No. 5,991,285). This rejection is respectfully traversed.

Initially, Applicants request clarification that Ghosh modifies both Tsunchara et al. and Ali et al., and not solely Tsunchara et al., otherwise the rejection fails for at least the reason that the references, as combined, do not teach all the elements of claims 5-8.

Regarding the rejection of claim 5-8 under 35 U.S.C. § 103, the Examiner cites Ghosh for the teaching of various channels. However, Ghosh does not overcome the deficiencies in Tsunchara et al., since Ghosh does not teach or suggest of a method for communicating power control information comprising at least the step of "transmitting power control information for a first forward channel within a portion of a first segment of a pilot channel, the first segment being one of a plurality of repeating segments", as recited in independent claim 1. For at least these reasons, Applicants submit that independent claim 5-8 are allowable.

Moreover, and with regard to all pending claims, in an interview conducted with the Examiner on December 13, 2002, which is part of the record file, Applicants' representative presented the Examiner with the pending claim 1, so as to further define the first and second channels as first and second forward channels, where power control information was transmitted to each of the first and second forward channels over first and second segments of a pilot channel, the power control information being different for each of the first and second forward channels.

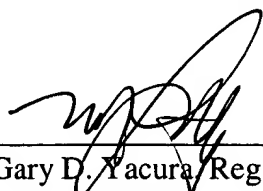
The RCE with preliminary amendment was filed because the Examiner was receptive to the amendment, as indicated in the record, since the primary reference (Tsunchara et al. '844) did not appear to teach these features. Accordingly, Applicants are unclear as to how or why the Examiner now shifts position as to what is taught in Tsunchara et al, without providing any further evidentiary support. Accordingly, should the Examiner maintain his position and not withdraw the rejections, Applicants kindly request a personal interview with the Examiner and his supervisor, at the convenience of both Examiners.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the number below. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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